

## **EXHIBIT “E”**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

JEANNETTE MILLER, ) CIVIL NO. 04-00441 BMK  
Plaintiff, ) (Admiralty)  
vs. )  
 )  
MAUI OCEAN ACTIVITIES, )  
INC., ("MOA"), THEODORE )  
C. KING, BETH D. KING, )  
In Personam and MOA )  
VESSEL, In Rem, )  
Defendants. )  
\_\_\_\_\_ )

VIDEOTAPED DEPOSITION OF JESSE KUNEWA

Taken on behalf of Defendants at the offices of Ralph  
Rosenberg Court Reporters, Incorporated, Suite D212,  
75-170 Hualalai Road, Kailua-Kona, Hawaii, commencing  
at 2:42 p.m. on June 26, 2006, pursuant to Notice.

REPORTED BY:

DEBORAH A. NG, CSR 336  
Registered Professional Reporter  
Notary Public, State of Hawaii

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## APPEARANCES

1  
2  
3 For Plaintiff HOWARD G. McPHERSON, ESQ.  
4 Jeannette Miller: 600 Davies Pacific Center  
5 841 Bishop Street  
6 Honolulu, Hawaii 96813  
7  
8 For Defendants JOHN O'KANE, ESQ.  
9 Maui Ocean Activities, Frame Formby & O'Kane  
10 Inc., et al.: Four Waterfront Plaza  
11 Suite 575  
12 500 Ala Moana Blvd.  
13 Honolulu, Hawaii 96813  
14  
15 Also Present: The Videographer,  
16 Robert Whitman  
17  
18  
19  
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## EXAMINATION BY: PAGE

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5 Mr. O'Kane 4  
6 Mr. McPherson 18  
7

## EXHIBITS FOR IDENTIFICATION

8  
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10 There were no exhibits marked.  
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1 (Stipulation by counsel to administer the oath.)  
2 THE VIDEOGRAPHER: This is a deposition of  
3 Jesse Kunewa in the matter of Jeannette Miller versus  
4 Maui Ocean Activities, Inc., et al.  
5 We are located at the offices of Ralph  
6 Rosenberg Court Reporters in Kailua-Kona on the Big  
7 Island of Hawaii. My name is Robert Whitman,  
8 certified legal video specialist.  
9 Will Counsel please state their names?  
10 MR. McPHERSON: Howard McPherson for Jeannette  
11 Miller.  
12 MR. O'KANE: And John O'Kane for Maui Ocean  
13 Activities and the other defendants.  
14 THE VIDEOGRAPHER: Today is June 26 in the year  
15 2006 and we are on the record at 2:42 p.m.  
16 Would the court reporter please swear in the  
17 deponent?  
18 JESSE KUNEWA  
19 called as a witness at the instance of the Defendants,  
20 being first duly sworn to tell the truth, the whole  
21 truth and nothing but the truth, was examined and  
22 testified as follows:  
23 EXAMINATION  
24 BY MR. O'KANE:  
25 Q. Good afternoon, Jesse. I'm John O'Kane, and we

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1 had some discussions earlier about the fact that in  
2 August of 2003 you worked for Maui Ocean Activities  
3 here in Kona under Aloha Jet Skis; is that correct?  
4 A. That's correct.  
5 Q. And you understand that I am the attorney for  
6 Maui Ocean Activities and Aloha Jet Skis?  
7 A. That's correct.  
8 Q. And you also understand that for the purposes  
9 of this deposition I'm your attorney, you agree to  
10 that?  
11 A. Correct, correct.  
12 Q. You agree to that?  
13 A. Yes.  
14 Q. Jesse, you don't mind if I call you Jesse, do  
15 you?  
16 A. No, no, no, no.  
17 Q. Jesse, we're here because of an injury that  
18 occurred to Jeanette Miller on August the 26th of  
19 2003.  
20 Do you remember Jeanette Miller?  
21 A. Yes. In fact, I was the one that gave her the  
22 orientation on the job.  
23 Q. Was that earlier in the month in --  
24 A. It, basically, was -- because I think I went  
25 for two, maybe three days, and then, of course, after

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1 that I didn't see her anymore.  
 2 Q. Let's go a little bit over your background.  
 3 Have you ever had a deposition taken before?  
 4 A. No, this is the first time.  
 5 Q. First time. Let me just give you a couple of  
 6 comments so you'll understand. The court reporter  
 7 over here takes down every word we say, and I don't  
 8 know how she does it, but it comes out at the end in a  
 9 booklet form, and it will turn around and not only  
 10 have my questions, it will have your answers. And it  
 11 will have Mr. McPherson's questions and the answers  
 12 you give to him.  
 13 You'll get an opportunity to review that and  
 14 make sure it's correct, okay, and we'll send you a  
 15 copy so you can review it.  
 16 A. All right.  
 17 Q. One of the things you have to do is answer  
 18 affirmatively either yes or no or give an answer  
 19 because the court reporter even though we're filming  
 20 this has a difficult time putting down a head nod,  
 21 okay?  
 22 A. All right.  
 23 Q. So if either myself or Mr. McPherson prompts  
 24 you to say is that a yes or a no, I'd appreciate it if  
 25 you'd follow-up, okay.

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1 A. All right.  
 2 Q. The other problems that the court reporter has  
 3 to keep a clean record is not to talk over each other;  
 4 in other words, wait until either myself or  
 5 Mr. McPherson finishes the question and then you can  
 6 answer.  
 7 A. Okay, all right.  
 8 Q. Is there anything that -- you said you had a  
 9 cough. Is there anything that can prevent you from  
 10 giving your best answers today? In other words, are  
 11 you on medication --  
 12 A. Not at all.  
 13 Q. Not at all?  
 14 A. Not at all.  
 15 Q. Let's talk a little bit about your full name,  
 16 if you could, Jesse.  
 17 A. Do you want me to give it, my full name, too?  
 18 Q. Yeah.  
 19 A. Just initial or my full name?  
 20 Q. No, full name, if you would?  
 21 A. Jesse Kamakaila Kunewa.  
 22 Q. Where were you born, Jesse?  
 23 A. I was born in Kailua-Kona.  
 24 Q. What year?  
 25 A. 1935.

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1 Q. What's your present address?  
 2 A. 74-5162 Haleolono Place at Hawaiian Homelands,  
 3 above the high school.  
 4 Q. How long have you lived there?  
 5 A. Going on to five years.  
 6 Q. Five years?  
 7 A. Yeah.  
 8 Q. What's your educational background?  
 9 A. I've been in high school and did a couple years  
 10 in college and then, basically, I was sort of, kind of  
 11 a vocational worker; and mostly, it was fishing with  
 12 my dad.  
 13 Q. Doing what with your dad?  
 14 A. Fishing, commercial fishing.  
 15 Q. Fishing?  
 16 A. And then charter fishing with a coast guard  
 17 license.  
 18 Q. Where did your dad fish, here in Kailua-Kona?  
 19 A. Kailua-Kona.  
 20 Q. Where did you go to college?  
 21 A. I went to college in Brigham Young University.  
 22 Q. Brigham Young?  
 23 A. Yeah.  
 24 Q. How long did you go there?  
 25 A. That was in 65 -- '63, '64, something like

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1 that.  
 2 Q. Did you graduate from Brigham Young?  
 3 A. No, I didn't.  
 4 Q. How many years did you have there?  
 5 A. I had two years there.  
 6 Q. What was your course of study?  
 7 A. My course of study was music.  
 8 Q. Music.  
 9 A. And then I had to come home after that.  
 10 Q. Do you play instruments?  
 11 A. Yes, I do.  
 12 Q. What do you play?  
 13 A. I play the ukulele and the guitar.  
 14 Q. Slack key?  
 15 A. I tried to get on it, but not as much as I  
 16 wanted to.  
 17 Q. What is your current employment?  
 18 A. My current employment is with the Kona Beach  
 19 Shack at the King Kamehameha Hotel.  
 20 Q. And how long have you been there?  
 21 A. I've been there now for three years, and I  
 22 basically -- two years.  
 23 Q. When did you start working for Ted King and  
 24 Maui Ocean Activities?  
 25 A. Well, I think I worked for them for May -- four

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1 years, December, and I can't remember the year.  
 2 Q. Were you working this jet ski operation before  
 3 Maui Ocean Activities bought it?  
 4 A. Yes, I was.  
 5 Q. Who were you working for on the old --  
 6 A. Joe Hendricks.  
 7 Q. How do you spell his last name?  
 8 A. H-a-n-d-j-i-s or j-e-i-s.  
 9 Q. And how long did he run that operation?  
 10 A. Well, he had it, roughly, for about two years,  
 11 then he sold it to Ted King.  
 12 Q. Ted King?  
 13 A. Uh-huh.  
 14 Q. And you continued to work for Ted?  
 15 A. I continued to work for Ted.  
 16 Q. What were your duties with -- well, let me go  
 17 back a little bit.  
 18 Did you work for Maui Ocean Activities or did  
 19 you work for Aloha Jet Skis or were they the same  
 20 company?  
 21 A. Well, I worked for Aloha Jet Ski first, and I  
 22 was a charter boat captain with a coast guard license.  
 23 Q. What does your license allow you to do?  
 24 A. It's a six pack.  
 25 Q. Six pack license?

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1 A. Six pack license, and it's good until 2008.  
 2 Q. 2009?  
 3 A. 8.  
 4 Q. 8, so it's still current?  
 5 A. Yes.  
 6 Q. Do you remember Jeannette Miller?  
 7 A. Yes, I do. I vaguely remember her because she  
 8 had blonde hair and she was not heavy, but she was --  
 9 and her attitude, it was easy to work with her. She  
 10 was very nice. She worked very good because she was  
 11 always asking questions what her job is, and  
 12 basically, I give it to her.  
 13 Q. She was a nice girl?  
 14 A. Uh-huh.  
 15 Q. Yes?  
 16 A. Yes.  
 17 Q. What job was she hired to do with Aloha Jet  
 18 Skis?  
 19 A. She was -- her job was to handle the people  
 20 that came to the trailer and to give them the waivers  
 21 so they could sign the waivers so that they can go  
 22 onto the boat; and also, her job also, we had a DVD  
 23 that showed the dos and the don'ts about the jet skis  
 24 and that was one of her jobs.  
 25 Q. Did she also collect money from patrons?

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1 A. No. We weren't able -- we weren't supposed to  
 2 collect money on the pier because there is a policy  
 3 there that is no money that had to be done there. So  
 4 basically, everything was settled on the trailer --  
 5 excuse me, on the platform.  
 6 Q. That was a state policy, State of Hawaii  
 7 policy?  
 8 A. Yes, it was.  
 9 Q. When you say the trailer, what was the trailer?  
 10 The trailer was a truck, wasn't it?  
 11 A. We had a truck and we had a trailer and the  
 12 trailer, we had four skis on it. So we would tow the  
 13 trailer and then we back it in and the skis came off  
 14 the trailer.  
 15 Q. Was her job title as booth attendant?  
 16 A. Yes, and just doing those two simple things;  
 17 meet people and talk to people until I took the people  
 18 from her and put them on the boat to take them out to  
 19 the trailer -- to the platform, excuse me.  
 20 Q. You said you worked with her two or three days;  
 21 is that right?  
 22 A. Yes.  
 23 Q. Did you provide her her orientation for the  
 24 job?  
 25 A. Basically, yes.

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1 Q. Could you tell me what the orientation -- what  
 2 did you tell her and -- let me go back on that.  
 3 Did you tell her what her job responsibilities  
 4 were?  
 5 A. Yes, I did.  
 6 Q. Can you tell us what you told her on what she  
 7 was supposed to do?  
 8 A. I, basically, told her that her job was when  
 9 the people come up to the truck, you talk to them and  
 10 you give them the waiver, and as soon as the waiver is  
 11 done, signed, then I take the waiver from her and she  
 12 shows them that DVD. And when that's done, then I  
 13 take the people to the boat and out to the platform.  
 14 Q. Actually, there was two kind of people, were  
 15 they not, people that had signed up someplace else  
 16 prior to -- had appointments, so to speak?  
 17 A. Right.  
 18 Q. And there was walk-ups; is that correct?  
 19 A. Right.  
 20 Q. Did you describe to her how you handled each  
 21 one?  
 22 A. Well, no, because they're, basically, the same.  
 23 Anybody that comes over there gets a waiver and a DVD  
 24 and then we take them out on the boat.  
 25 Q. Did Ms. Miller have any duties aboard the

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1 shuttle boat at all?

2 A. None at all. In fact, none at all that I know  
3 of because I didn't see her do anything she wasn't  
4 supposed to do.

5 Q. Her job is a booth attendant; is that correct?

6 A. Right.

7 MR. McPHERSON: I'm sorry, I couldn't hear the  
8 last answer.

9 THE WITNESS: Oh, I'm sorry. No, I didn't take  
10 her out to the platform and she didn't perform any  
11 duties on the boat while I was captain.

12 BY MR. O'KANE:

13 Q. During her orientation did you bring her out to  
14 the platform and show her what the platform --

15 A. No, I didn't, because that was not her job.

16 Q. Did Ms. Miller's job have anything to do with  
17 loading cargo or anything on the vessel?

18 A. Well, no, didn't have anything to do with her.

19 Q. Did she have anything to do with assisting  
20 people to get onto the vessel?

21 A. Not when I was working.

22 Q. Did she have anything to do with untying or  
23 tying up the vessel?

24 A. Not at all.

25 Q. Let's describe the Aloha Jet Ski operation, if

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1 you can for me. Tell me what they do.

2 A. Well, like I say, we have walk-ups and we have  
3 people that make arrangements and they fill the job,  
4 begin the day. They call in, we call in for  
5 reservations and we give them, so we wait for the  
6 reservations. And then we take walk-ups, when we can,  
7 and then they come to the truck and we sign them up  
8 and we give them the waiver, they sign the waiver.

9 Now, from the beginning we didn't have the DVD,  
10 but when Ted came and bought the business, then we had  
11 the DVD. And basically, they come and as soon as they  
12 sign the waiver, and I take the waiver and take them  
13 on the boat, on the shuttle boat. And then I take  
14 them out to the platform and then give the waivers to  
15 instructor out there and then he takes over the job of  
16 telling them the dos and don'ts on the jet ski.

17 Q. Is it fair to describe that as a tourist  
18 recreational activity?

19 MR. McPHERSON: Excuse me, hold on a second,  
20 Mr. Kunewa. It's vague and ambiguous. Go ahead.

21 A. I've been working with people for a long time,  
22 and of course in an operation like that because I am a  
23 captain on the boat, basically, at that time I work  
24 with people and it's always tourists-related  
25 situation, but we also have the kamaainas, too.

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1 BY MR. O'KANE:

2 Q. But that was a recreational activity; was it  
3 not?

4 MR. McPHERSON: Same objections.

5 A. Yes, it was.

6 BY MR. O'KANE:

7 Q. During the time she worked with you, did you  
8 ever see her get in the vessel and go out to the  
9 platform?

10 A. No.

11 Q. Did she ever, during the time she worked with  
12 you, help passengers on and off the shuttle vessel?

13 A. Not that I remember.

14 Q. Did you require assistance --

15 A. No.

16 Q. -- let me just finish the question if I could.

17 A. I'm sorry.

18 Q. There has been some prior testimony that you  
19 had a knee injury, we know that's true; is that true?

20 A. Right.

21 Q. Did you have trouble at any time getting in and  
22 out of the boat while you had your knee problem?

23 A. Well, it's all over. There wasn't any problem  
24 with me anymore. I didn't have any problem getting on  
25 the boat because I was -- I've been on the boat for so

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1 long it's kind of like second nature to me.

2 Q. Were you able to assist passengers get on the  
3 vessel?

4 A. Yes. Most of the time I'm on the boat and I'm  
5 bringing the people on the boat.

6 Q. Did you ever require assistance with the  
7 passengers getting on the boat?

8 A. Well, sometimes when it's rough, up and down,  
9 we always have people that helps us, helping on the  
10 boat, especially if it's low or high tide.

11 Q. Do you recall during the time you worked with  
12 Jeannette Miller, if she ever helped you?

13 A. No, I don't recall that.

14 Q. Did Ms. Miller have any repair duties for the  
15 vessel or the platform?

16 MR. McPHERSON: It's compound.

17 A. No, I can't even imagine her doing that.

18 BY MR. O'KANE:

19 Q. Let me recognize Mr. McPherson's objection.

20 A. No.

21 Q. Did Ms. Miller ever have any repair  
22 responsibilities for the vessel you operated?

23 A. No.

24 Q. Did Ms. Miller have any repair responsibilities  
25 for the platform?



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1 MR. McPHERSON: Foundation.  
 2 A. No, no.  
 3 BY MR. O'KANE:  
 4 Q. Did she have any repair responsibilities for  
 5 any of the jet skis?  
 6 MR. McPHERSON: Foundation.  
 7 A. Not at all.  
 8 MR. McPHERSON: Mr. Kunewa, excuse me for  
 9 interrupting, but it would be very helpful if you give  
 10 just a moment before you answer.  
 11 THE WITNESS: My first time and I get a little  
 12 nervous. I'm 71 years old.  
 13 MR. McPHERSON: No problem.  
 14 THE WITNESS: Thanks.  
 15 MR. O'KANE: I'm closing in on you, Jesse.  
 16 That's all I have.  
 17 EXAMINATION  
 18 BY MR. McPHERSON:  
 19 Q. Mr. Kunewa, I'm Howard McPherson. I'm Jeanette  
 20 Miller's attorney for the case. Good afternoon.  
 21 A. I think I recognize you from someplace, but  
 22 it's not in a case like this. Nevertheless, anyway.  
 23 Q. I'm from the Big Island but a long time ago,  
 24 Mr. Kunewa.  
 25 Do you recall ever speaking to me before this

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1 afternoon?  
 2 A. No, I don't. If it was -- well, no, I don't  
 3 remember that, no.  
 4 Q. Did Mr. O'Kane become your attorney just this  
 5 afternoon?  
 6 A. Excuse me?  
 7 Q. Did Mr. O'Kane become your attorney just this  
 8 afternoon before this deposition began?  
 9 A. I'm a little hard of hearing, too.  
 10 Q. When did Mr. O'Kane become your attorney, just  
 11 today?  
 12 A. Yes.  
 13 Q. Just before we started today?  
 14 A. He asked me if I wanted to be his [sic]  
 15 attorney and I said yes.  
 16 Q. You're not paying him, are you?  
 17 A. No, I'm not.  
 18 Q. Any particular reason why you wanted him to be  
 19 your attorney?  
 20 A. Because, I guess, basically, because he's  
 21 working for my company, I guess.  
 22 Q. Are you still working for Ted King?  
 23 A. No, I'm not, I'm not.  
 24 Q. But you still have some friendship with the  
 25 company; is that correct?

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1 A. Oh, yes, I do.  
 2 Q. The knee injury that you had in 2003, do you  
 3 recall testifying about that just a minute ago?  
 4 A. Yes, I do.  
 5 Q. You had a leg injury, in other words, correct?  
 6 A. It was my knee, knee injury.  
 7 Q. Knee injury. How did you injure your knee at  
 8 that time?  
 9 A. It wasn't on the boat. As a matter of fact,  
 10 that knee has been giving me trouble for a long time  
 11 and then I went to see the doctor and he said I need  
 12 to take an operation because the knee was going out on  
 13 me.  
 14 Q. Is that your right knee; is that correct?  
 15 A. Yes, yes.  
 16 Q. Did you have an operation on your right knee?  
 17 A. Yes.  
 18 Q. Do you recall when you had that operation?  
 19 A. That was about two years ago.  
 20 Q. So sometime in 2004 about?  
 21 A. Right.  
 22 Q. When did you first see the doctor about your  
 23 knee in talking about this operation?  
 24 A. Maybe six months before that.  
 25 Q. So sometime in late 2003 or early --

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1 A. Uh-huh, correct.  
 2 Q. So you were still having a knee problem in  
 3 August of 2003?  
 4 A. Yes, I was, but it wasn't -- I was having a  
 5 knee problem, right.  
 6 Q. Did you hire Jeanette Miller yourself?  
 7 A. No, I did not.  
 8 Q. Do you know who did?  
 9 A. I think she was hired by Ted King.  
 10 Q. What makes you say that?  
 11 A. Because, in fact, I was sure of that because he  
 12 came in previous to talk to a few girls. And then he  
 13 told me that he had one girl come in and work for her  
 14 and she gave me his name -- I mean her name and then  
 15 she came. He usually does most of the hiring,  
 16 especially the employees.  
 17 Q. Did he hire you?  
 18 A. Yes, he did; yes, he did, I'm sorry.  
 19 Q. Did he tell you he hired Jeannette then?  
 20 A. Yes, he did. I'm sure of that now.  
 21 Q. Did he tell you what her job was going to be?  
 22 A. Well, he asked me to give her a job description  
 23 and I knew what the job was going to be before she  
 24 came because we were looking for people for that  
 25 particular position.

Page 22

1 Q. The booth attendant position?  
 2 A. Right.  
 3 Q. Did he talk to you about telling her what her  
 4 job was going to be?  
 5 A. Yes, he did, he did.  
 6 Q. What did he say?  
 7 A. He told me what she has to do, what we hired  
 8 her to do, and that was it.  
 9 Q. Was she not supposed to go on the boats at all?  
 10 Let me withdraw the question and let me ask you  
 11 differently. I'm sorry.  
 12 Was she forbidden from going on the boats?  
 13 A. No.  
 14 Q. Was she forbidden from going on the platform?  
 15 A. No, she wasn't.  
 16 Q. Was she forbidden from helping the guys with  
 17 the boats?  
 18 A. I have to ask you on that question because when  
 19 I work -- when I'm working, we have two guys, the  
 20 instructor and myself, and we handle the main  
 21 equipment. So I told her or most of the people that  
 22 come for the job, to do that particular job, that  
 23 that's not their job to do.  
 24 Q. But I'm asking was she forbidden from helping?  
 25 A. No, no, she wasn't; no, she wasn't at all.

Page 23

1 Q. The two, three days that you worked with  
 2 Jeanette, who was the instructor?  
 3 A. Oh, his name was Pat. I can't remember his  
 4 last name.  
 5 Q. Patrick Shand?  
 6 A. Yeah.  
 7 Q. Was he the only instructor during those two,  
 8 three days that you worked with Jeanette?  
 9 A. No, had another fellow named Mike and I can't  
 10 remember his last name.  
 11 Q. Haole guy?  
 12 A. Haole guy.  
 13 Q. How old, about?  
 14 A. Maybe 24, 25 or maybe younger than that. Pat  
 15 was 19 and he worked with me for a long time.  
 16 Q. Patrick was 19?  
 17 A. Yeah.  
 18 Q. Jeanette was a very good worker for the  
 19 company?  
 20 A. Yes, she was when she was working for me, yes.  
 21 Q. As far as you know, an honest person?  
 22 A. She was always a nice person to me.  
 23 Q. As far as you know, honest person?  
 24 A. As far as I know, yeah.  
 25 Q. Nice, young woman?

Page 24

1 A. Yes.  
 2 Q. Were the instructions that you talked about  
 3 with Mr. O'Kane or the orientation that you gave to  
 4 Jeanette, was that all of it, was that all of the job  
 5 orientation you gave her?  
 6 A. Yes.  
 7 Q. Meeting the customers, showing them the DVD,  
 8 giving them the waivers, that was her complete job?  
 9 A. Right.  
 10 Q. So you didn't give her any instruction on  
 11 anything else?  
 12 A. Nothing, I didn't give instruction on anything  
 13 else.  
 14 Q. Jeanette has testified in this case in her own  
 15 deposition that she recalls going on the boat with  
 16 you. Does that refresh your recollection at all?  
 17 A. No, not at all.  
 18 Q. Did you keep logs, Captain Kunewa, for your  
 19 daily work on the boat?  
 20 A. Basically, I do.  
 21 Q. What did the log look like? Was it in a book?  
 22 A. It's mostly in little books and then on the  
 23 job, but my job was already detailed for me, so I  
 24 didn't keep logs for that, for that particular job.  
 25 Q. The book you kept was your book?

Page 25

1 A. Right.  
 2 Q. Do you still have it?  
 3 A. No, I don't.  
 4 Q. Did the company -- did you keep any log for the  
 5 company about what you did with the boat?  
 6 A. No, because that was not one of our  
 7 requirements.  
 8 MR. McPHERSON: No further questions.  
 9 THE WITNESS: Thank you.  
 10 MR. O'KANE: That's all I have.  
 11 THE VIDEOGRAPHER: The time is now 3:07 p.m.  
 12 We're going off the record and that concludes the  
 13 deposition.  
 14  
 15  
 16  
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1 I, JESSE KUNAWA, hereby certify that I have  
 2 read the foregoing typewritten pages 1 through 25,  
 3 inclusive, and corrections, if any, were noted by me,  
 4 and the same is now a true and correct transcript of  
 5 my testimony.

6 DATED: Kailua-Kona, Hawaii \_\_\_\_\_  
 7  
 8  
 9 \_\_\_\_\_  
 10

11 JESSE KUNAWA  
 12  
 13  
 14  
 15

16 Signed before me this \_\_\_\_\_  
 17 day of \_\_\_\_\_ 2006.  
 18  
 19  
 20 \_\_\_\_\_  
 21  
 22

23 Miller vs. Maui Ocean Activities; Civil No. 04-00441  
 24 BMK; Deposition taken on 6/26/06 by Deborah A. Ng,  
 25 RPR, CSR 336.

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1 STATE OF HAWAII )  
 2 COUNTY OF HAWAII )  
 3

4 I, DEBORAH A. NG, RPR, CSR 336, State of  
 5 Hawaii, hereby certify:

6 That on June 26, 2006, at 2:42 p.m. appeared  
 7 before me JESSE KUNAWA, the witness whose deposition  
 8 is contained herein;

9 That prior to being examined, the witness was  
 10 by me duly sworn;

11 That the deposition was taken by me in machine  
 12 shorthand and was thereafter reduced to typewriting by  
 13 me;

14 That the foregoing represents, to the best of  
 15 my ability, a full, true and correct transcript of  
 16 said deposition.

17 I further certify that I am not attorney for  
 18 any of the parties hereto, nor in any way concerned  
 19 with the cause.

20 Dated: Kailua-Kona, Hawaii, July 5, 2006.

21 \_\_\_\_\_  
 22 DEBORAH A. NG, CSR 336  
 23 Registered Professional Reporter  
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